

### **REMARKS**

This is a full and timely response to the non-final Office Action mailed September 24, 2007, in which Applicants' Claims 1-20 were rejected. By way of this Response, Claims 1 and 4 have been amended; Claims 2 and 3 have been cancelled; and Claim 25 has been added. Reconsideration of Applicants' pending Claims 1, 4-10, and 25 is respectfully requested in view of the following remarks.

#### **I. Communication with Examiner occurring on December 17, 2007**

As may be appreciated by reviewing pages 3 and 4, the Office Action applies only one reference in rejecting Applicants' pending claims under 35 U.S.C. §§ 102 and 103; i.e., US Pat. No. 6,516,277 (the Meadows reference). However, on page 2, the Office Action indicates that the new grounds of rejections include an application of US Pat. No. 5,814,089 (the Stokes reference). Applicants called Examiner Alter to requested clarification with respect to this matter. On December 17, 2007, Examiner Alter returned Applicants' phone call. Examiner Alter stated that the statement appearing in the Office Action regarding the Stokes reference was a typographical error and that the Stokes reference is not currently applied against Applicants' pending claims. Applicants thank Examiner Alter for providing this clarification.

#### **II. Claim Rejections under 35 U.S.C. § 102**

On page 2, the Office Action rejects Applicants' Claims 1 and 6-10 under 35 U.S.C. § 102(e) as anticipated by US Pat. No. 6,516,227 (the Meadows reference). With respect to Applicants' independent Claim 1, in particular, the Office Action states that the Meadows reference discloses a system including an electrode array 110 (identified by the Office Action as the central control module) and an IPG 100 (identified by the Office Action as the satellite module), which are connected by way of a first lead 120. With reference to Meadows FIG. 2B, the Office Action also notes that IPG 100 is coupled to a plurality of leads 120 and 132 by way of electrode array 110.

Applicants have amended independent Claim 1 to further distinguish over the Meadows reference. Applicants' amended independent Claim 1 is directed to an implantable medical system for use in conjunction with a remote programmer and with a power source. As amended, Applicants' independent Claim 1 recites that the system includes a central control module, which, in turn, includes housing and a wireless receiver disposed in the housing and

configured to receive programming signals from the remote programmer. Applicants' amended independent Claim 1 also recites that the system comprises a satellite module including, among other elements, a switching module and a processor that is coupled to the switching module and to the wireless receiver. The switching module is coupled to a second plurality of leads, each of which includes a tissue-interactive element. Claim 1 further specifies that the processor is configured to receive programming signals from the wireless receiver and to control the switching module so as to selectively distribute or receive signals to or from the plurality of second leads.

The Meadows reference fails to teach a central control module of the type recited in Applicants' amended independent Claim 1. As may be seen in Meadows FIGs. 2A, electrode array 110 (identified by the Office Action as the central control module) is, in fact, a group of therapy electrodes (e.g., a paddle electrode) utilized for bioelectric sensing and/or delivering electrical therapy. Electrode array 110 is thus not a "central control module" under a broad, but reasonable interpretation that is consistent with Applicants' Specification. More importantly, electrode array 110 does not include either a housing configured to house a power source or a wireless transceiver configured to receive signals from a remote programmer as is now explicitly recited in Applicants' amended independent Claim 1.

It is well-established that a reference must teach every element of a claim to properly establish a *prima facie* case of anticipation under 35 U.S.C. § 102(e). MPEP § 2131. The Meadows reference fails to teach multiple structural elements recited in Applicants' amended independent Claim 1. Therefore, it is respectfully submitted that the Meadows reference cannot properly anticipate Applicants' amended independent Claim 1 under 35 U.S.C. § 102(e).

As no additional rejections have been asserted against Applicants' independent Claim 1, it is further submitted that Claim 1 is allowable.

Applicants' Claims 6-10 are believe allowable at least in view of their dependency from Applicants' amended independent Claim 1.

**III. Claim Rejections under 35 U.S.C. § 103**

On page 4, the Office Action rejects Applicants' Claims 2-5 under 35 U.S.C. § 103(a) as being unpatentable over the Meadows reference. Applicants address each of these rejected claims, in turn, below.

Applicants' Claims 2 and 3 have been cancelled without prejudice or disclaimer of the subject matter contained therein.

Applicants' Claims 4 and 5 are believed allowable at least in view of their dependency from Applicants' amended independent Claim 1. Please note that Applicants' Claim 4 has been amended to depend directly from Applicants' amended independent Claim 1.

In contrast to Applicants' Claims 2-5, Applicants' amended independent Claim 1 is not rejected under 35 U.S.C. § 103(a); however, Applicants' independent Claim 1 has been amended to include the features originally recited in Applicants' dependent Claims 2 and 3, which currently stand rejected under 35 U.S.C. § 103(a). Thus, Applicants believe it appropriate to briefly discuss the non-obviousness of Applicants' amended independent Claim 1 in view of the Meadows reference.

On page 4, the Office Action states:

Meadows et al. discloses the claimed invention except for the transmission of power. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Meadows et al. to include power transmission since it was known in the art that transmitting power, enables an implanted medical device to be recharged instead of explanted when power is low.

Applicants find the statement appearing above somewhat confusing; none of Applicants' Claims 2-5 recite the feature of "power transmission." Applicants assume that this statement was intended to discuss a "power source" as originally recited in Applicants' dependent Claim 2 (now cancelled) and as now recited in Applicants' amended independent Claim 1. Assuming this to be the case, Applicants offer the following comments.

As pointed out above, the element identified by the Office Action as tantamount to Applicants' claimed central control module is, in fact, an electrode array (see element 110 Meadows FIGs. 2A and 2B). As is conventional in the art, electrode array 110 functions to deliver therapy to a patient's heart provided by a power source disposed within implantable pulse generator (IPG) 100. It thus makes little sense to discuss modifying electrode array 110,

independent of IPG 100, to include a housing configured to receive a power source or to include a wireless receiver suitable for communicating with a remote programmer. Furthermore, it is unclear how modifying electrode array 110 to include either of these claimed elements would yield a functional device. Accordingly, there is no reasonable expectation of success in modifying electrode array 110 to include the elements recited in Applicants' amended independent Claim 1 (i.e., a wireless receiver or a housing configured to house a power source). Considering this, and considering that the Meadows reference fails to teach multiple structural elements recited in Applicants' Claim 1 as explained above, it is respectfully submitted that the Meadows reference should not be relied upon in forming a prima facie case of obviousness under 35 U.S.C. § 103(a) against Applicants' independent Claim 1.

#### **IV. Applicants' New Independent Claim 25**

Applicants' newly-added independent Claim 25 is directed to an implantable medical system for use in conjunction with a remote programmer and with a power source. The implantable medical system comprises a central control module, which includes a housing configured to support the power source and a wireless receiver disposed in the housing and configured to receive programming signals from the remote programmer. The system further includes a satellite control module, a plurality of tissue-interactive elements, and an elongated conductor having a distal end portion and a proximal end portion. The proximal end portion of the elongated conductor is coupled to the central control module. The satellite control module is configured to selectively route power electrical signals to selected ones of the plurality of tissue-interactive elements in accordance with the programming signals received from the remote programmer.

Applicants' newly-added independent Claim 25 recites multiple structural features that are not taught by the Meadows reference. For example, the Meadows reference does not teach a satellite control module physically coupled between a plurality of tissue-interactive elements and a central control module of the type recited in Applicants' Claim 25. The Meadows reference also does not teach or suggest a satellite control module configured to selectively route electrical signals to selected ones of the plurality of tissue-interactive elements in accordance with programming signals received from a remote programmer.

**V. Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that Examiner's objections and rejections have been overcome. Accordingly, Applicants respectfully submit that the application is now in condition for allowance, and such allowance is therefore earnestly requested. Should the Examiner have any questions or wish to further discuss this application, Applicants request that the Examiner contact the Applicants attorneys at the below-listed telephone number. If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,  
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